



General Assembly

February Session, 2002

Raised Bill No. 5738

LCO No. 2612

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING COURT OPERATIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective January 1, 2003*) (a) The Chief Court
2 Administrator shall establish and maintain an automated registry of
3 protective orders that shall contain protective or restraining orders
4 issued by a court, including, but not limited to, orders issued pursuant
5 to sections 46b-15 of the general statutes, as amended, 46b-38c of the
6 general statutes, as amended by this act, 53a-40e, 54-1k, 54-82q and 54-
7 82r of the general statutes, as amended by this act, and may also
8 contain protective orders issued by a court of another state that have
9 been registered in this state pursuant to section 46b-15a of the general
10 statutes, as amended by this act. The registry shall clearly indicate the
11 dates of the commencement and expiration of any order contained
12 therein. The presence of an active order in the registry shall be prima
13 facie evidence that a valid court order exists. The Chief Court
14 Administrator shall establish policies and procedures for the operation
15 of said registry.

16 (b) Notwithstanding any other provision of the general statutes
17 regarding confidentiality of records, information contained in court

18 documents and files may be entered into the registry. The information
19 in the registry shall not be subject to disclosure under the Freedom of
20 Information Act, as defined in section 1-200 of the general statutes, as
21 amended, and may be accessed only in accordance with this section.
22 Any employee of the Judicial Branch authorized by policies and
23 procedures adopted by the Chief Court Administrator shall have
24 access to such information. The Chief Court Administrator may grant
25 access to such information to personnel from the Department of Public
26 Safety, the Department of Correction, the Board of Parole, the
27 Psychiatric Security Review Board, the Division of Criminal Justice,
28 municipal or tribal police departments within this state or any other
29 agency, organization or person determined by the Chief Court
30 Administrator, pursuant to policies and procedures adopted by the
31 Chief Court Administrator, to have a legitimate interest in the
32 information contained in the registry. The information in the registry
33 shall be provided to the Connecticut On-Line Law Enforcement
34 Communications Teleprocessing System (COLLECT) maintained by
35 the Department of Public Safety. Any person granted access to the
36 registry may use the information obtained from the registry to perform
37 their duties, and may disclose such information in the performance of
38 their duties.

39 (c) Any person protected by an order in the registry may make a
40 request in writing on a form prescribed by the Chief Court
41 Administrator that the registry not disclose such protected person's
42 name or address except to the law enforcement agency for the town in
43 which (1) such protected person resides, (2) such protected person is
44 employed, or (3) the person subject to the order resides.

45 Sec. 2. Subsection (e) of section 46b-15 of the general statutes, as
46 amended by section 12 of public act 01-130, is repealed and the
47 following is substituted in lieu thereof (*Effective January 1, 2003*):

48 (e) The applicant shall cause notice of the hearing pursuant to
49 subsection (b) of this section and a copy of the application and of any

50 ex parte order issued pursuant to subsection (b) of this section to be
51 served on the respondent not less than five days before the hearing.
52 Upon the granting of an ex parte order, the clerk of the court shall
53 provide two certified copies of the order to the applicant, [and a copy
54 to the Family Division.] Upon the granting of an order after notice and
55 hearing, the clerk of the court shall provide two certified copies of the
56 order to the applicant [and a copy to the Family Division] and a copy
57 to the respondent. Every order of the court made in accordance with
58 this section after notice and hearing shall contain the following
59 language: "This court had jurisdiction over the parties and the subject
60 matter when it issued this protection order. Respondent was afforded
61 both notice and opportunity to be heard in the hearing that gave rise to
62 this order. Pursuant to the Violence Against Women Act of 1994, 18
63 USC 2265, this order is valid and enforceable in all fifty states, any
64 territory or possession of the United States, the District of Columbia,
65 the Commonwealth of Puerto Rico and tribal lands." The clerk of the
66 court shall send [a certified copy] an unsigned copy by facsimile or
67 other means of any ex parte order and of any order after notice and
68 hearing to the law enforcement agency for the town in which the
69 applicant resides and, if the respondent resides in a town different
70 than the town in which the applicant resides, to the law enforcement
71 agency for the town in which the respondent resides, within forty-
72 eight hours of the issuance of such order. If the applicant is employed
73 in a town different than the town in which the applicant resides, the
74 clerk of the court shall, upon the request of the applicant, send [a
75 certified copy] an unsigned copy by facsimile or other means of any
76 such order, to the law enforcement agency for the town in which the
77 applicant is employed within forty-eight hours of the issuance of such
78 order.

79 Sec. 3. Subsections (c), (d) and (e) of section 46b-38c of the general
80 statutes, as amended by section 13 of public act 01-130, are repealed
81 and the following is substituted in lieu thereof (*Effective January 1,*
82 *2003*):

83 (c) Each such local family violence intervention unit shall: (1) Accept
84 referrals of family violence cases from a judge or prosecutor, (2)
85 prepare written or oral reports on each case for the court by the next
86 court date to be presented at any time during the court session on that
87 date, (3) provide or arrange for services to victims and offenders, (4)
88 administer contracts to carry out said services, and (5) establish
89 centralized reporting procedures. All information provided to a family
90 relations officer in a local family violence intervention unit shall be [for
91 the sole purpose] solely for the purposes of preparation of the report
92 and the protective order forms for each case and recommendation of
93 services and shall otherwise be confidential and retained in the files of
94 such unit, and not be subject to subpoena or other court process for use
95 in any other proceeding or for any other purpose, except that if the
96 victim has indicated that the defendant holds a permit to carry a pistol
97 or revolver or possesses one or more firearms, the family relations
98 officer shall disclose such information to the court and the prosecuting
99 authority for appropriate action.

100 (d) In all cases of family violence, a written or oral report and
101 recommendation of the local family violence intervention unit shall be
102 available to a judge at the first court date appearance to be presented at
103 any time during the court session on that date. A judge of the Superior
104 Court may consider and impose the following conditions to protect the
105 parties, including, but not limited to: (1) Issuance of a protective order
106 pursuant to subsection (e) of this section; (2) prohibition against
107 subjecting the victim to further violence; (3) referral to a family
108 violence education program for batterers; and (4) immediate referral
109 for more extensive case assessment. Such protective order shall be an
110 order of the court, and the clerk of the court shall cause (A) a certified
111 copy of such order to be sent to the victim, and (B) [a certified copy] an
112 unsigned copy of such order to be sent by facsimile or other means
113 within forty-eight hours of its issuance to the law enforcement agency
114 for the town in which the victim resides and, if the defendant resides
115 in a town different than the town in which the victim resides, to the
116 law enforcement agency for the town in which the defendant resides. If

117 the victim is employed in a town different than the town in which the
118 victim resides, the clerk of the court shall, upon the request of the
119 victim, send [a certified copy] an unsigned copy by facsimile or other
120 means of such order to the law enforcement agency for the town in
121 which the victim is employed within forty-eight hours of the issuance
122 of such order.

123 (e) A protective order issued under this section may include
124 provisions necessary to protect the victim from threats, harassment,
125 injury or intimidation by the defendant, including, but not limited to,
126 an order enjoining the defendant from (1) imposing any restraint upon
127 the person or liberty of the victim; (2) threatening, harassing,
128 assaulting, molesting or sexually assaulting the victim; or (3) entering
129 the family dwelling or the dwelling of the victim. Such order shall be
130 made a condition of the bail or release of the defendant and shall
131 contain the following language: "In accordance with section 53a-223,
132 any violation of this order constitutes criminal violation of a protective
133 order. Additionally, in accordance with section 53a-107, entering or
134 remaining in a building or any other premises in violation of this order
135 constitutes criminal trespass in the first degree. These are criminal
136 offenses each punishable by a term of imprisonment of not more than
137 one year, a fine of not more than two thousand dollars, or both.
138 Violation of this order also violates a condition of your bail or release,
139 and may result in raising the amount of bail or revoking release."
140 Every order of the court made in accordance with this section after
141 notice and hearing shall also contain the following language: "This
142 court had jurisdiction over the parties and the subject matter when it
143 issued this protection order. Respondent was afforded both notice and
144 opportunity to be heard in the hearing that gave rise to this order.
145 Pursuant to the Violence Against Women Act of 1994, 18 USC 2265,
146 this order is valid and enforceable in all fifty states, any territory or
147 possession of the United States, the District of Columbia, the
148 Commonwealth of Puerto Rico and tribal lands." The [Department of
149 Public Safety, in cooperation with the Office of the Chief Court
150 Administrator shall establish a twenty-four-hour registry of protective

151 orders on the Connecticut on-line law enforcement communications
152 teleprocessing system] Chief Court Administrator, in cooperation with
153 the Department of Public Safety, shall establish, in accordance with
154 section 1 of this act, an automated registry of protective orders that
155 may be accessed through the Connecticut On-Line Law Enforcement
156 Communications Teleprocessing System.

157 Sec. 4. Section 54-1k of the general statutes is repealed and the
158 following is substituted in lieu thereof (*Effective January 1, 2003*):

159 Upon the arrest of a person for a violation of section 53a-181c, 53a-
160 181d or 53a-181e, the court may issue a protective order pursuant to
161 this section. Such order shall be an order of the court, and the clerk of
162 the court shall cause a certified copy of such order to be sent to the
163 victim, and [a certified copy] an unsigned copy of such order to be sent
164 by facsimile or other means within forty-eight hours of its issuance to
165 the appropriate law enforcement agency. A protective order issued
166 under this section may include provisions necessary to protect the
167 victim from threats, harassment, injury or intimidation by the
168 defendant, including but not limited to, an order enjoining the
169 defendant from (1) imposing any restraint upon the person or liberty
170 of the victim, [;] (2) threatening, harassing, assaulting, molesting or
171 sexually assaulting the victim, [;] or (3) entering the dwelling of the
172 victim. Such order shall be made a condition of the bail or release of
173 the defendant and shall contain the following language: "In accordance
174 with section 53a-223, any violation of this order constitutes criminal
175 violation of a protective order. Additionally, in accordance with
176 section 53a-107, entering or remaining in a building or any other
177 premises in violation of this order constitutes criminal trespass in the
178 first degree. These are criminal offenses each punishable by a term of
179 imprisonment of not more than one year, a fine of not more than two
180 thousand dollars, or both. Violation of this order also violates a
181 condition of your bail or release and may result in raising the amount
182 of bail or revoking release." Any protective order issued under this
183 section shall be entered in the registry of protective orders established

184 under [subsection (e) of section 46b-38c] section 1 of this act.

185 Sec. 5. Section 54-76l of the general statutes is repealed and the
186 following is substituted in lieu thereof (*Effective January 1, 2003*):

187 (a) The records of any youth adjudged a youthful offender,
188 including fingerprints, photographs and physical descriptions, shall be
189 confidential and shall not be open to public inspection or be disclosed
190 except as provided in this section, but such fingerprints, photographs
191 and physical descriptions submitted to the State Police Bureau of
192 Identification of the Division of State Police within the Department of
193 Public Safety at the time of the arrest of a person subsequently
194 adjudged a youthful offender shall be retained as confidential matter
195 in the files of such bureau, and be opened to inspection only as
196 hereinafter provided. Other data ordinarily received by such bureau,
197 with regard to persons arrested for a crime, shall be forwarded to the
198 bureau to be filed, in addition to the fingerprints, photographs and
199 physical descriptions as mentioned above, and be retained in the
200 division as confidential information, open to inspection only as
201 hereinafter provided.

202 (b) The records of any youth adjudged a youthful offender on or
203 after October 1, 1995, or any part thereof, may be disclosed to and
204 between individuals and agencies, and employees of such agencies,
205 providing services directly to the youth including law enforcement
206 officials, state and federal prosecutorial officials, school officials in
207 accordance with section 10-233h, court officials, the Division of
208 Criminal Justice, the [Office of Adult Probation, the Office of the Bail
209 Commission] Court Support Services Division of the Judicial Branch,
210 the Board of Parole and an advocate appointed pursuant to section
211 54-221 for a victim of a crime committed by the youth. Such records
212 shall also be available to the attorney representing the youth, in any
213 proceedings in which such records are relevant, to the parents or
214 guardian of such youth, until such time as the youth reaches the age of
215 majority or is emancipated, and to the youth upon his emancipation or

216 attainment of the age of majority, provided proof of the identity of
217 such youth is submitted in accordance with guidelines prescribed by
218 the Chief Court Administrator. Such records disclosed pursuant to this
219 subsection shall not be further disclosed.

220 (c) The records of any youth adjudged a youthful offender, or any
221 part thereof, may be disclosed upon order of the court to any person
222 who has a legitimate interest in the information and is identified in
223 such order. Records or information disclosed pursuant to this
224 subsection shall not be further disclosed.

225 (d) The records of any youth adjudged a youthful offender, or any
226 part thereof, shall be available to the victim of the crime committed by
227 such youth to the same extent as the record of the case of a defendant
228 in a criminal proceeding in the regular criminal docket of the Superior
229 Court is available to a victim of the crime committed by such
230 defendant. The court shall designate an official from whom such
231 victim may request such information. Information disclosed pursuant
232 to this subsection shall not be further disclosed.

233 (e) Any reports and files held by the [Office of Adult Probation]
234 Court Support Services Division regarding any youth adjudged a
235 youthful offender who served a period of probation may be disclosed
236 to [the Office of the Bail Commission] an employee of the Court
237 Support Services Division for the purpose of performing the duties
238 contained in section 54-63b.

239 (f) Information concerning any youth adjudged a youthful offender
240 who has escaped from an institution to which such youth has been
241 committed or for whom an arrest warrant has been issued may be
242 disclosed by law enforcement officials.

243 (g) The information contained in a protective order issued in any
244 case in which a person was adjudged a youthful offender shall be
245 provided to the registry of protective orders established pursuant to
246 section 1 of this act, and may be further disclosed as specified in said

247 section.

248 Sec. 6. Subsection (a) of section 54-82r of the general statutes is
249 repealed and the following is substituted in lieu thereof (*Effective*
250 *January 1, 2003*):

251 (a) Upon application of a prosecutorial official, a court may issue a
252 protective order prohibiting the harassment of a witness in a criminal
253 case if the court, after a hearing at which hearsay evidence shall be
254 admissible, finds by a preponderance of the evidence that harassment
255 of an identified witness in a criminal case exists or that such order is
256 necessary to prevent and restrain the commission of a violation of
257 section 53a-151 or 53a-151a. Any adverse party named in the complaint
258 has the right to present evidence and cross-examine witnesses at such
259 hearing. Such order shall be an order of the court, and the clerk of the
260 court shall cause a certified copy of such order to be sent to the
261 witness, and [a certified copy] an unsigned copy of such order to be
262 sent by facsimile or other means within forty-eight hours of its
263 issuance to the appropriate law enforcement agency.

264 Sec. 7. Section 54-86e of the general statutes is repealed and the
265 following is substituted in lieu thereof (*Effective January 1, 2003*):

266 The name and address of the victim of a sexual assault under
267 section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a, or injury or
268 risk of injury, or impairing of morals under section 53-21, or of an
269 attempt thereof shall be confidential and shall be disclosed only upon
270 order of the Superior Court, except that (1) such information shall be
271 available to the accused in the same manner and time as such
272 information is available to persons accused of other criminal offenses,
273 and (2) if a protective or restraining order is entered in any such case,
274 the name and address of the victim, in addition to other information
275 regarding such order, shall be available to the registry of protective
276 orders established pursuant to section 1 of this act.

277 Sec. 8. Section 54-142a of the general statutes is repealed and the

278 following is substituted in lieu thereof (*Effective January 1, 2003*):

279 (a) Whenever in any criminal case, on or after October 1, 1969, the
280 accused, by a final judgment, is found not guilty of the charge or the
281 charge is dismissed, all police and court records and records of any
282 state's attorney pertaining to such charge shall be erased upon the
283 expiration of the time to file a writ of error or take an appeal, if an
284 appeal is not taken, or upon final determination of the appeal
285 sustaining a finding of not guilty or a dismissal, if an appeal is taken.
286 Nothing in this subsection shall require the erasure of any record
287 pertaining to a charge for which the defendant was found not guilty by
288 reason of mental disease or defect or guilty but not criminally
289 responsible by reason of mental disease or defect. Nothing in this
290 subsection shall require the erasure of information regarding the
291 defendant in the registry of protective orders established pursuant to
292 section 1 of this act.

293 (b) Whenever in any criminal case prior to October 1, 1969, the
294 accused, by a final judgment, was found not guilty of the charge or the
295 charge was dismissed, all police and court records and records of the
296 state's or prosecuting attorney or the prosecuting grand juror
297 pertaining to such charge shall be erased by operation of law and the
298 clerk or any person charged with the retention and control of such
299 records shall not disclose to anyone their existence or any information
300 pertaining to any charge so erased; provided nothing in this subsection
301 shall prohibit the arrested person or any one of his heirs from filing a
302 petition for erasure with the court granting such not guilty judgment
303 or dismissal, or, where the matter had been before a municipal court, a
304 trial justice, the Circuit Court or the Court of Common Pleas with the
305 records center of the Judicial Department and thereupon all police and
306 court records and records of the state's attorney, prosecuting attorney
307 or prosecuting grand juror pertaining to such charge shall be erased.
308 Nothing in this subsection shall require the erasure of any record
309 pertaining to a charge for which the defendant was found not guilty by
310 reason of mental disease or defect.

311 (c) Whenever any charge in a criminal case has been nolle in the
312 Superior Court, or in the Court of Common Pleas, if at least thirteen
313 months have elapsed since such nolle, all police and court records and
314 records of the state's or prosecuting attorney or the prosecuting grand
315 juror pertaining to such charge shall be erased, except that no
316 information regarding the arrested person that is contained in the
317 registry of protective orders established pursuant to section 1 of this
318 act shall be erased. However, in cases of nolle entered in the Superior
319 Court, Court of Common Pleas, Circuit Court, municipal court or by a
320 justice of the peace prior to April 1, 1972, such records shall be deemed
321 erased by operation of law and the clerk or the person charged with
322 the retention and control of such records shall not disclose to anyone
323 their existence or any information pertaining to any charge so erased,
324 provided nothing in this subsection shall prohibit the arrested person
325 or any one of his heirs from filing a petition to the court or to the
326 records center of the Judicial Department, as the case may be, to have
327 such records erased, in which case such records shall be erased.
328 Whenever any charge in a criminal case has been continued at the
329 request of the prosecuting attorney, and a period of thirteen months
330 has elapsed since the granting of such continuance during which
331 period there has been no prosecution or other disposition of the
332 matter, the charge shall be construed to have been nolle as of the date
333 of termination of such thirteen-month period and such erasure may
334 thereafter be effected or a petition filed therefor, as the case may be, as
335 provided in this subsection for nolle cases.

336 (d) Whenever prior to October 1, 1974, any person who has been
337 convicted of an offense in any court of this state has received an
338 absolute pardon for such offense, such person or any one of his heirs
339 may, at any time subsequent to such pardon, file a petition with the
340 superior court at the location in which such conviction was effected, or
341 with the superior court at the location having custody of the records of
342 such conviction or with the records center of the Judicial Department if
343 such conviction was in the Court of Common Pleas, Circuit Court,
344 municipal court or by a trial justice court, for an order of erasure, and

345 the Superior Court or records center of the Judicial Department shall
346 direct all police and court records and records of the state's or
347 prosecuting attorney pertaining to such case to be erased. Whenever
348 such absolute pardon was received on or after October 1, 1974, such
349 records shall be erased. Nothing in this subsection shall require the
350 erasure of any information pertaining to any protective or restraining
351 order that was issued during the pendency of the case or as part of the
352 disposition of the case.

353 (e) The clerk of the court or any person charged with retention and
354 control of such records in the records center of the Judicial Department
355 or any law enforcement agency having information contained in such
356 erased records shall not disclose to anyone, except the subject of the
357 record, upon submission pursuant to guidelines prescribed by the
358 Office of the Chief Court Administrator of satisfactory proof of the
359 subject's identity, information pertaining to any charge erased under
360 any provision of this section and such clerk or person charged with the
361 retention and control of such records shall forward a notice of such
362 erasure to any law enforcement agency to which he knows information
363 concerning the arrest has been disseminated and such disseminated
364 information shall be erased from the records of such law enforcement
365 agency. Such clerk or such person, as the case may be, shall provide
366 adequate security measures to safeguard against unauthorized access
367 to or dissemination of such records or upon the request of the accused
368 cause the actual physical destruction of such records, except that such
369 clerk or such person shall not cause the actual physical destruction of
370 such records until three years have elapsed from the date of the final
371 disposition of the criminal case to which such records pertain. No fee
372 shall be charged in any court with respect to any petition under this
373 section. Any person who shall have been the subject of such an erasure
374 shall be deemed to have never been arrested within the meaning of the
375 general statutes with respect to the proceedings so erased and may so
376 swear under oath.

377 (f) Upon motion properly brought, the court or a judge thereof, if

378 such court is not in session, may order disclosure of such records (1) to
379 a defendant in an action for false arrest arising out of the proceedings
380 so erased, or (2) to the prosecuting attorney and defense counsel in
381 connection with any perjury charges which the prosecutor alleges may
382 have arisen from the testimony elicited during the trial. Such
383 disclosure of such records is subject also to any records destruction
384 program pursuant to which the records may have been destroyed. The
385 jury charge in connection with erased offenses may be ordered by the
386 judge for use by the judiciary, provided the names of the accused and
387 the witnesses are omitted therefrom.

388 (g) The provisions of this section shall not apply to any police or
389 court records or the records of any state's attorney or prosecuting
390 attorney with respect to any information or indictment containing
391 more than one count (1) while the criminal case is pending, or (2) when
392 the criminal case is disposed unless and until all counts are entitled to
393 erasure in accordance with the provisions of this section.

394 (h) For the purposes of this section, "court records" shall not include
395 a record or transcript of the proceedings made or prepared by an
396 official court reporter, assistant court reporter or monitor.

397 Sec. 9. Subsection (a) of section 6-38f of the general statutes, as
398 amended by section 9 of public act 01-9 of the June special session, is
399 repealed and the following is substituted in lieu thereof (*Effective*
400 *October 1, 2002*):

401 (a) (1) Notwithstanding the provisions of section 6-38, the State
402 Marshal Commission shall appoint as a state marshal any eligible
403 individual who applies for such a position. For purposes of this section
404 "eligible individual" means an individual who was a deputy sheriff or
405 special deputy sheriff of a corporation on or after May 31, 1995, who
406 had served as a deputy sheriff or special deputy sheriff of a
407 corporation for a period of not less than four years and who has
408 submitted an application to the State Marshal Commission on or
409 before July 31, 2001, provided any such eligible individual submitted

410 an initial application dated on or before June 30, 2000.

411 (2) For the purpose of showing proof that one has served as a
412 deputy sheriff, as required by this subsection, information contained in
413 the Connecticut State Register and Manual shall be accepted as
414 evidence.

415 (3) Any person authorized to apply for appointment as a state
416 marshal pursuant to this section who is determined not to be eligible
417 for such appointment by the State Marshal Commission may appeal
418 such determination to the Superior Court for the judicial district of
419 [Hartford] New Britain in accordance with the procedures and time
420 periods set forth in chapter 54.

421 Sec. 10. Subsections (f) and (g) of section 7-152b of the general
422 statutes are repealed and the following is substituted in lieu thereof
423 (*Effective October 1, 2002*):

424 (f) If such assessment is not paid on the date of its entry, the hearing
425 officer shall send by first class mail a notice of the assessment to the
426 person found liable and shall file, not less than thirty days nor more
427 than twelve months after such mailing, a certified copy of the notice of
428 assessment with the clerk of a superior court facility designated by the
429 Chief Court Administrator [within the boundaries of the judicial
430 district in which the town, city or borough is located] together with an
431 entry fee of eight dollars. The certified copy of the notice of assessment
432 shall constitute a record of assessment. Within such twelve-month
433 period, assessments against the same person may be accrued and filed
434 as one record of assessment. The clerk shall enter judgment, in the
435 amount of such record of assessment and court costs of eight dollars,
436 against such person in favor of the town, city or borough.
437 Notwithstanding any other provision of the general statutes, the
438 hearing officer's assessment, when so entered as a judgment, shall have
439 the effect of a civil money judgment and a levy of execution on such
440 judgment may issue without further notice to such person.

441 (g) A person against whom an assessment has been entered
442 pursuant to this section is entitled to judicial review by way of appeal.
443 An appeal shall be instituted within thirty days of the mailing of notice
444 of such assessment by filing a petition to reopen assessment, together
445 with an entry fee in an amount equal to the entry fee for a small claims
446 case pursuant to section 52-259, [in the superior court for the
447 geographical area in which the town, city or borough is located] at the
448 superior court facility designated by the Chief Court Administrator,
449 which shall entitle such person to a hearing in accordance with the
450 rules of the judges of the Superior Court.

451 Sec. 11. Subsections (f) and (g) of section 7-152c of the general
452 statutes are repealed and the following is substituted in lieu thereof
453 (*Effective October 1, 2002*):

454 (f) If such assessment is not paid on the date of its entry, the hearing
455 officer shall send by first class mail a notice of the assessment to the
456 person found liable and shall file, not less than thirty days nor more
457 than twelve months after such mailing, a certified copy of the notice of
458 assessment with the clerk of a superior court facility designated by the
459 Chief Court Administrator [within the boundaries of the judicial
460 district in which the municipality is located] together with an entry fee
461 of eight dollars. The certified copy of the notice of assessment shall
462 constitute a record of assessment. Within such twelve-month period,
463 assessments against the same person may be accrued and filed as one
464 record of assessment. The clerk shall enter judgment, in the amount of
465 such record of assessment and court costs of eight dollars, against such
466 person in favor of the municipality. Notwithstanding any other
467 provision of the general statutes, the hearing officer's assessment,
468 when so entered as a judgment, shall have the effect of a civil money
469 judgment and a levy of execution on such judgment may issue without
470 further notice to such person.

471 (g) A person against whom an assessment has been entered
472 pursuant to this section is entitled to judicial review by way of appeal.

473 An appeal shall be instituted within thirty days of the mailing of notice
474 of such assessment by filing a petition to reopen assessment, together
475 with an entry fee in an amount equal to the entry fee for a small claims
476 case pursuant to section 52-259, [in the superior court for the
477 geographical area in which the municipality is located] at a superior
478 court facility designated by the Chief Court Administrator, which shall
479 entitle such person to a hearing in accordance with the rules of the
480 judges of the Superior Court.

481 Sec. 12. Section 2 of public act 01-47 is repealed and the following is
482 substituted in lieu thereof (*Effective October 1, 2002*):

483 (a) As used in this section, "mediation" means the process where the
484 parties in an appeal filed under section 8-8, as amended, 22a-34, as
485 amended by this act or 22a-43, as amended by this act, meet with an
486 impartial third party to work toward resolution of the issues in the
487 decision of the board, the Commissioner of Environmental Protection
488 or the inland wetlands agency that was the subject of the appeal in
489 accordance with generally accepted principles of mediation.

490 (b) At any time after filing of the appeal, the parties may agree to
491 mediate the decision that was appealed. The parties shall file a
492 statement advising the court that the dispute may be resolved by
493 mediation. [The parties shall cause notice of the mediation to be
494 published in a newspaper having a substantial circulation in the
495 municipality not more than fifteen days after the statement is
496 submitted to the court. Not more than seven days after such notice is
497 published, any aggrieved party, as defined in section 8-8 may petition
498 the court to participate in the mediation process. The court shall make
499 a determination on inclusion of the petitioner in the mediation process
500 not more than seven days after submittal of the petition. The decision
501 of the court may not be appealed.] Mediation shall take place with the
502 consent of each party.

503 (c) Mediation shall begin on the date the statement is filed under
504 subsection (b) of this section and conclude not more than one hundred

505 eighty days after such filing. Such period may be extended for an
506 additional one hundred eighty days upon mutual agreement of the
507 parties. A party may submit a petition to the court requesting another
508 extension or stating why no other extension should be granted. The
509 court, in its discretion, may extend the time for mediation after the
510 second period of one hundred eighty days has elapsed. A party may
511 withdraw from mediation at any time after notification to other parties
512 and to the Superior Court.

513 (d) The contents of mediating sessions shall not be admissible as
514 evidence. A mediator shall not act as or be summoned as a witness in a
515 court proceeding on an appeal if mediation has not resolved the issues
516 of the appeal.

517 (e) A mediator may request the participation in mediation of any
518 person deemed by the mediator necessary for effective resolution of
519 the issues, including representatives of governmental agencies not a
520 party to the action, abutting property owners, intervenors or other
521 persons significantly involved in the decision being appealed.

522 (f) Not more than fifteen days after the conclusion of mediation, the
523 mediators shall file a report with the court describing the proceedings
524 and specifying the issues resolved. If no resolution is made, the
525 mediators shall file a report with the court stating that the issues have
526 not been resolved.

527 (g) The cost of mediation shall be distributed equally among the
528 parties.

529 Sec. 13. Subsection (b) of section 22a-34 of the general statutes is
530 repealed and the following is substituted in lieu thereof (*Effective*
531 *October 1, 2002*):

532 (b) Such appeal shall be brought in accordance with the provisions
533 of section 4-183, except venue for such appeal shall be in the judicial
534 district of New Britain. Such appeal shall have precedence in the order

535 of trial. The proceedings of the court in the appeal may be stayed by
536 agreement of the parties when a mediation conducted pursuant to
537 section 2 of public act 01-47, as amended by this act, commences, and
538 any such stay shall terminate upon conclusion of the mediation.

539 Sec. 14. Section 22a-43 of the general statutes, as amended by section
540 3 of public act 01-47, is repealed and the following is substituted in lieu
541 thereof (*Effective October 1, 2002*):

542 (a) The commissioner or any person aggrieved by any regulation,
543 order, decision or action made pursuant to sections 22a-36 to 22a-45,
544 inclusive, as amended, by the commissioner, a district or municipality
545 or any person owning or occupying land which abuts any portion of
546 land within, or is within a radius of ninety feet of, the wetland or
547 watercourse involved in any regulation, order, decision or action made
548 pursuant to said sections may, within the time specified in subsection
549 (b) of section 8-8, as amended, from the publication of such regulation,
550 order, decision or action, appeal to the superior court for the judicial
551 district where the land affected is located, and if located in more than
552 one judicial district to the court in any such judicial district. Such
553 appeal shall be made returnable to said court in the same manner as
554 that prescribed for civil actions brought to said court, except that the
555 record shall be transmitted to the court within the time specified in
556 subsection (i) of section 8-8, as amended. If the inland wetlands agency
557 or its agent does not provide a transcript of the stenographic or the
558 sound recording of a meeting where the inland wetlands agency or its
559 agent deliberates or makes a decision on a permit for which a public
560 hearing was held, a certified, true and accurate transcript of a
561 stenographic or sound recording of the meeting prepared by or on
562 behalf of the applicant or any other party shall be admissible as part of
563 the record. Notice of such appeal shall be served upon the inland
564 wetlands agency and the commissioner. The commissioner may
565 appear as a party to any action brought by any other person within
566 thirty days from the date such appeal is returned to the court. The
567 appeal shall state the reasons upon which it is predicated and shall not

568 stay proceedings on the regulation, order, decision or action, but the
569 court may on application and after notice grant a restraining order.
570 Such appeal shall have precedence in the order of trial.

571 (b) The court, upon the motion of the person who applied for such
572 order, decision or action, shall make such person a party defendant in
573 the appeal. Such defendant may, at any time after the return date of
574 such appeal, make a motion to dismiss the appeal. At the hearing on
575 such motion to dismiss, each appellant shall have the burden of
576 proving such appellant's standing to bring the appeal. The court may,
577 upon the record, grant or deny the motion. The court's order on such
578 motion may be appealed in the manner provided in subsection (p) of
579 section 8-8, as amended.

580 (c) The proceedings of the court in the appeal may be stayed by
581 agreement of the parties when a mediation conducted pursuant to
582 public act 01-47, as amended by this act, commences, and any such
583 stay shall terminate upon conclusion of the mediation.

584 [(c)] (d) No appeal taken under subsection (a) of this section shall be
585 withdrawn and no settlement between the parties to any such appeal
586 shall be effective unless and until a hearing has been held before the
587 Superior Court and said court has approved such proposed
588 withdrawal or settlement.

589 [(d)] (e) There shall be no right to further review except to the
590 Appellate Court by certification for review in accordance with the
591 provisions of subsection (p) of section 8-8, as amended.

592 Sec. 15. Section 51-36a of the general statutes, as amended by section
593 4 of public act 01-186, is repealed and the following is substituted in
594 lieu thereof (*Effective from passage*):

595 (a) For the purposes of this section, "employees of the Judicial
596 Department" shall not include employees of the courts of probate or
597 the Public Defender Services Commission, and "records" shall not

598 include records maintained by the courts of probate or the Public
599 Defender Services Commission.

600 (b) Notwithstanding any other provision of the general statutes,
601 employees of the Judicial Department [shall, in the performance of
602 their duties, have the right of access to all] may, in accordance with
603 policies and procedures adopted by the Chief Court Administrator,
604 access any records maintained by the Judicial Department, including
605 erased records, and may disclose the information contained in such
606 records [to the extent necessary for the performance of their duties] in
607 accordance with such policies and procedures.

608 (c) Notwithstanding any other provision of the general statutes,
609 Judicial Department contractors and authorized agents of the Judicial
610 Department may, in accordance with policies and procedures adopted
611 by the Chief Court Administrator, access records maintained by the
612 Judicial Department, including erased records, and may disclose the
613 information contained in such records [to the extent necessary for the
614 performance of their duties for the Judicial Department] in accordance
615 with such policies and procedures.

616 (d) This section shall apply to all records in existence on and after
617 the effective date of this section.

618 Sec. 16. Section 8-131 of the general statutes is repealed and the
619 following is substituted in lieu thereof (*Effective October 1, 2002*):

620 After the statement of compensation provided for in section 8-129
621 has been filed with the clerk of the Superior Court, the property owner
622 affected and all other persons having a record interest therein may file
623 with said clerk his or their written acceptance thereof. Said clerk shall
624 thereupon notify the redevelopment agency of such acceptance. If the
625 amount to be paid by the redevelopment agency or the municipality
626 for such property does not exceed ten thousand dollars, said clerk shall
627 send a certified copy of the statement of compensation and the
628 acceptance thereof to the redevelopment agency, and the court shall

629 order the deposit or any balance remaining thereon not disbursed by
630 order of the court in accordance with the procedure set forth in section
631 8-130 to be paid to the persons entitled thereto in accordance with their
632 equities upon application made by such persons. If the amount of such
633 compensation exceeds ten thousand dollars, said clerk shall not certify
634 the same until the compensation has been approved as reasonable in
635 amount by a [state] judge or judge trial referee. If [such state] the judge
636 or judge trial referee approves such compensation, said clerk shall
637 thereupon send a certified copy of the statement of compensation and
638 the acceptance thereof to the redevelopment agency, and the court
639 shall order the deposit or any such balance remaining on deposit to be
640 paid to the persons entitled thereto in accordance with their equities
641 upon application made by such persons. If [such state] the judge or
642 judge trial referee does not approve such statement of compensation,
643 said clerk shall notify the redevelopment agency and the latter may file
644 an amended statement of compensation.

645 Sec. 17. Section 8-132 of the general statutes, as amended by section
646 1 of public act 01-186 and section 113 of public act 01-195, is repealed
647 and the following is substituted in lieu thereof (*Effective October 1,*
648 *2002*):

649 (a) Any person claiming to be aggrieved by the statement of
650 compensation filed by the redevelopment agency may, at any time
651 within six months after the same has been filed, apply to the superior
652 court for the judicial district in which such property is situated [, or, if
653 said court is not in session, to any judge thereof,] for a review of such
654 statement of compensation so far as the same affects such applicant. [,
655 and said court or such judge] The court, after causing notice of the
656 pendency of such application to be given to said redevelopment
657 agency, may appoint a judge trial referee to make a review of the
658 statement of compensation. [Such]

659 (b) If a judge trial referee is appointed, such referee, having given at
660 least ten days' notice to the parties interested of the time and place of

661 hearing, shall hear the applicant and said redevelopment agency, shall
662 view the property and take such testimony as such referee deems
663 material and shall thereupon revise such statement of compensation in
664 such manner as such referee deems proper and forthwith report to the
665 court. Such report shall contain a detailed statement of findings by the
666 judge trial referee, sufficient to enable the court to determine the
667 considerations upon which the judge trial referee's conclusions are
668 based. The report of the judge trial referee shall take into account any
669 evidence relevant to the fair market value of the property, including
670 evidence of environmental condition and required environmental
671 remediation. The judge trial referee shall make a separate finding for
672 remediation costs and the property owner shall be entitled to a setoff
673 of such costs in any pending or subsequent action to recover
674 remediation costs for the property. [Such report may be rejected] The
675 court shall review the report, and may reject it for any irregular or
676 improper conduct in the performance of the duties of such referee. If
677 the report is rejected, the court [or judge shall] may appoint another
678 judge trial referee to make such review and report. If the report is
679 accepted, [such] its statement of compensation shall be conclusive
680 upon such owner and the redevelopment agency.

681 (c) If the court does not appoint a judge trial referee, the court, after
682 giving at least ten days notice to the parties interested of the time and
683 place of hearing, shall hear the applicant and redevelopment agency
684 and take such testimony as it deems material, may view the subject
685 property, and shall make a finding regarding the statement of
686 compensation. The findings of the court shall take into account any
687 evidence relevant to the fair market value of the property, including
688 evidence of environmental condition and required environmental
689 remediation. The court shall make a separate finding for remediation
690 costs and the property owner shall be entitled to a setoff of such costs
691 in any pending or subsequent action to recover remediation costs for
692 the property. The findings of the court shall be conclusive upon the
693 owner and the redevelopment agency.

694 (d) If no appeal to the Appellate Court is filed within the time
695 allowed by law, or if one is filed and the proceedings have terminated
696 in a final judgment finding the amount due the property owner, the
697 clerk shall send a certified copy of the statement of compensation and
698 of the judgment to the redevelopment agency, which shall, upon
699 receipt thereof, pay such property owner the amount due as
700 compensation. The pendency of any such application for review shall
701 not prevent or delay whatever action is proposed with regard to such
702 property by the project area redevelopment plan.

703 Sec. 18. Section 8-132a of the general statutes is repealed and the
704 following is substituted in lieu thereof (*Effective October 1, 2002*):

705 (a) Any person making application for payment of moneys
706 deposited in court as provided for by section 8-130 or claiming an
707 interest in the compensation being determined in accordance with
708 section 8-132, as amended, may make a motion to the superior court
709 for the judicial district in which the property that is the subject of the
710 proceedings referred to is located [, or if said court is not in session to
711 any judge thereof,] for a determination of the equity of the parties
712 having an interest in such moneys. Said court [or judge upon such
713 motion or upon its or his own motion may appoint a state] may
714 appoint a judge trial referee to hear the facts and to make a
715 determination of the equity of the parties in such moneys. [Such]

716 (b) If a judge trial referee is appointed, such referee, having given at
717 least ten days' notice to the parties interested of the time and place of
718 hearing, shall hear the applicant and any parties interested, take such
719 testimonies as such judge trial referee deems material and determine
720 the equities of the parties having a record interest in such moneys and
721 forthwith report to the court. [or judge.] Such report shall contain a
722 detailed statement of findings by the judge trial referee, sufficient to
723 enable the court to determine the considerations upon which the judge
724 trial referee based his conclusions. The [report may be rejected] court
725 shall review the report, and may reject it for any irregular or improper

726 conduct in the performance of the duties of such referee. If the report is
727 rejected, the court [or judge shall] may appoint another judge trial
728 referee to make such determination and report. If the report is
729 accepted, such determination of the equities shall be conclusive upon
730 all parties given notice of such hearing, subject to appeal to the
731 Appellate Court.

732 (c) If the court does not appoint a judge trial referee, the court, after
733 giving at least ten days notice to the parties interested of the time and
734 place of hearing, shall take such testimony as it deems material and
735 determine the equities of the parties having a record interest in such
736 moneys. The finding of the court and such determination of the
737 equities shall be conclusive upon all parties given notice of such
738 hearing, subject to appeal to the Appellate Court.

739 (d) If no appeal to the Appellate Court is filed within the time
740 allowed by law, or if one is filed and the proceedings have terminated
741 in a final judgment determining the amount due to each party, the
742 clerk shall send a certified copy of the statement of compensation and
743 of the judgment to the redevelopment agency, which shall, upon
744 receipt thereof, pay such parties the amount due them as
745 compensation. The pendency of any such application for review shall
746 not prevent or delay whatever action is proposed with regard to such
747 property by the project area redevelopment plan.

748 Sec. 19. Section 13a-74 of the general statutes, as amended by section
749 7 of public act 01-105 and section 13 of public act 01-186, is repealed
750 and the following is substituted in lieu thereof (*Effective October 1,*
751 *2002*):

752 After the assessment of damages and benefits provided for in
753 subsection (b) of section 13a-73 has been filed with the clerk of the
754 superior court, the property owner affected may file with said clerk the
755 property owner's written acceptance thereof. Said clerk shall
756 thereupon notify the Comptroller and the commissioner of such
757 acceptance. If the amount to be paid by the state for such land, after

758 deducting any benefits which have been assessed, does not exceed one
759 hundred thousand dollars, said clerk shall send a certified copy of the
760 assessment and the acceptance thereof to the commissioner and the
761 Comptroller, and the Comptroller shall, upon receipt thereof, draw an
762 order on the Treasurer in favor of such property owner for the amount
763 due the property owner under such assessment. If the amount of such
764 assessment, after deducting any such benefits, exceeds one hundred
765 thousand dollars, said clerk shall not certify the same to the
766 Comptroller until the assessment has been approved as reasonable in
767 amount by a [state] judge of the Superior Court or a judge trial referee.
768 If such [state] judge or judge trial referee approves such assessment,
769 said clerk shall thereupon send a certified copy of the assessment and
770 the acceptance thereof and a certificate that the same has been so
771 approved to the commissioner and to the Comptroller, and the
772 Comptroller shall, upon receipt thereof, draw an order on the
773 Treasurer in favor of such property owner for the amount due the
774 property owner on such assessment. If such [state] judge or judge trial
775 referee does not approve such assessment, said clerk shall notify the
776 Attorney General and the commissioner and the latter may file an
777 amended assessment.

778 Sec. 20. Section 13a-76 of the general statutes, as amended by section
779 1 of public act 01-75 and section 2 of public act 01-186, is repealed and
780 the following is substituted in lieu thereof (*Effective October 1, 2002*):

781 Any person claiming to be aggrieved by the assessment of such
782 special damages or such special benefits by the commissioner may, at
783 any time within six months after the same has been so filed, apply to
784 the superior court for the judicial district within which such land is
785 situated [or, if said court is not in session, to any judge thereof] for a
786 reassessment of such damages or such benefits so far as the same affect
787 such applicant. [, and said court or such judge] The court, after causing
788 notice of the pendency of such application to be given to said
789 commissioner, may appoint a judge trial referee to make such
790 reassessment of such damages or such benefits. [Such trial referee] The

791 court or judge trial referee, having given at least ten days' notice to the
792 parties interested of the time and place of hearing, shall hear the
793 applicant and said commissioner, [shall] may view the land and take
794 such testimony as such court or judge trial referee deems material and
795 shall thereupon reassess such damages and benefits so far as they
796 affect such applicant. The reassessment [of such] by such court or
797 judge trial referee shall take into account any evidence relevant to the
798 fair market value of the property, including evidence of required
799 environmental remediation by the Department of Transportation. Such
800 court or judge trial referee shall make a separate finding for
801 remediation costs, and the property owner shall be entitled to a set-off
802 of such costs in any pending or subsequent legal action to recover
803 remediation costs for the property. If the amount of the reassessment
804 of such damages awarded to any such property owner exceeds the
805 amount of the assessment of such damages by the commissioner for
806 such land, [such] the court or judge trial referee shall award to such
807 property owner such appraisal fees as such court or judge trial referee
808 determines to be reasonable. If no appeal to the Appellate Court is
809 filed within the time allowed by law, or if one is filed and the
810 proceedings have terminated in a final judgment finding the amount
811 due the landowner, the clerk shall send a certified copy of the
812 assessment of the commissioner and of the judgment to the
813 Comptroller, who shall, upon receipt thereof, draw an order upon the
814 Treasurer in favor of the landowner for the amount due the landowner
815 as damages. The pendency of any such application for reassessment
816 shall not prevent or delay the layout, extension, alteration, widening,
817 change of grade or other improvement of any such highway.

818 Sec. 21. Subsection (b) of section 51-15 of the general statutes is
819 repealed and the following is substituted in lieu thereof (*Effective*
820 *October 1, 2002*):

821 (b) The judges of the Superior Court shall adopt orders and rules for
822 the hearing and determination of small claims that shall include
823 provisions for the institution of small claims actions by attorneys-at-

824 law on suitable forms to be served by a proper officer or indifferent
825 person upon the defendant in the same manner as complaints are
826 served in civil actions; [at least ten days before the small claims session
827 of the court mentioned in such form, and for making his return thereon
828 at least six days before such session; and may also include, among
829 other provisions, the commencement of actions by an attorney-at-law
830 or other person without writ or requirement of pleading other than a
831 written or oral statement to the clerk;] notice by mail; provisions for
832 the early hearing of actions and rules for hearings in accordance with
833 sections 51-193t and 52-549a and for the commencement of such
834 actions without the payment of entry fee or other fee, and the
835 elimination of any and all other fees or costs, except a fee for small
836 claims procedure as prescribed in section 52-259; modification of any
837 or all existing rules of pleading, practice and evidence; a stay of the
838 entry of judgment or of the issuance of execution and an alternative
839 procedure according to the usual rules of practice. Such orders and
840 rules shall permit the institution of a small claims action against a
841 nonresident defendant who owns real or personal property in this
842 state and against an out-of-state corporation.

843 Sec. 22. Subsections (d) and (e) of section 51-243 of the general
844 statutes are repealed and the following is substituted in lieu thereof
845 (*Effective October 1, 2002*):

846 (d) If, at any time, any juror shall, for any reason, become unable to
847 further perform his duty, the court may excuse him. If any juror is so
848 excused or dies, the court may order that an alternate juror who is
849 designated by lot to be drawn by the clerk, shall become a [part]
850 member of the regular panel and the trial or deliberation shall then
851 proceed with appropriate instruction from the court as though the
852 alternate juror had been a member of the regular panel from the time
853 when the trial [was begun] or deliberation began. If the alternate juror
854 becomes a member of the regular panel after deliberations have begun,
855 the court shall instruct the jury that deliberations by the jury shall
856 begin anew.

857 (e) A juror selected to serve as an alternate shall not be segregated
858 from the regular panel except when the case is given to the regular
859 panel for deliberation at which time [he shall] such alternate juror may
860 be dismissed from further service on the case or may remain in service
861 under the direction of the court.

862 Sec. 23. Subsection (g) of section 51-345 of the general statutes, as
863 amended by section 58 of public act 01-9 of the June special session, is
864 repealed and the following is substituted in lieu thereof (*Effective from*
865 *passage*):

866 Venue for small claims matters shall be at Superior Court facilities
867 designated by the Chief Court Administrator to hear such matters. In
868 small claims matters, civil process shall be made returnable to the
869 Superior Court facility designated by the Chief Court Administrator to
870 serve the small claims area where the plaintiff resides, where the
871 defendant resides or is doing business or where the transaction or
872 injury occurred. If the plaintiff is either a domestic corporation, United
873 States corporation, a foreign corporation or a limited liability company,
874 civil process shall be made returnable to a Superior Court facility
875 designated by the Chief Court Administrator to serve the small claims
876 area [within the boundaries of the judicial district] where the
877 defendant resides or is doing business or where the transaction or
878 injury occurred.

879 Sec. 24. Subsection (d) of section 51-348 of the general statutes, as
880 amended by section 60 of public act 01-9 of the June special session, is
881 repealed and the following is substituted in lieu thereof (*Effective from*
882 *passage*):

883 (d) Venue for [motor vehicle matters] infractions and violations that
884 may be heard and decided by a magistrate pursuant to section 51-193u
885 shall be at Superior Court facilities designated by the Chief Court
886 Administrator to hear such matters.

887 Sec. 25. Section 52-259a of the general statutes, as amended by

888 section 18 of public act 01-91 and section 11 of public act 01-211, is
889 repealed and the following is substituted in lieu thereof (*Effective from*
890 *passage*):

891 (a) Any member of the Division of Criminal Justice [,] or the
892 Division of Public Defender Services, [or the Family Division or
893 Support Enforcement Services of the Superior Court] any employee of
894 the Judicial Branch, acting in the performance of such employee's
895 duties, the Attorney General, an assistant attorney general, the
896 Consumer Counsel, any attorney employed by the Office of Consumer
897 Counsel within the Department of Public Utility Control, the
898 Department of Revenue Services, the Commission on Human Rights
899 and Opportunities, the Freedom of Information Commission, the
900 Board of Labor Relations, the Office of Protection and Advocacy for
901 Persons with Disabilities or the Office of the Victim Advocate, or any
902 attorney appointed by the court to assist any of them or to act for any
903 of them in a special case or cases, while acting in such attorney's
904 official capacity or in the capacity for which such attorney was
905 appointed, shall not be required to pay the fees specified in sections 52-
906 258, 52-259 and 52-259c, subsection (a) of section 52-356a, subsection
907 (a) of section 52-361a, [and] subsection (n) of section 46b-231, and
908 section 10 of public act 01-9 of the June special session.

909 (b) The Immigration and Naturalization Service shall not be
910 required to pay any fees specified in section 52-259 for any certified
911 copy of any criminal record.

912 Sec. 26. Section 52-470 of the general statutes is repealed and the
913 following is substituted in lieu thereof (*Effective October 1, 2002*):

914 (a) The court or judge hearing any habeas corpus shall proceed in a
915 summary way to determine the facts and issues of the case, by hearing
916 the testimony and arguments therein, and inquire fully into the cause
917 of imprisonment, and shall thereupon dispose of the case as law and
918 justice require.

919 (b) No appeal from the judgment rendered in a habeas corpus
920 proceeding brought in order to obtain his release by or in behalf of one
921 who has been convicted of crime may be taken unless the appellant,
922 within ten days after the case is decided, petitions the judge before
923 whom the case was tried [or a judge of the Supreme Court or
924 Appellate Court] or, if that judge is unavailable, a judge of the Superior
925 Court designated by the Chief Court Administrator, to certify that a
926 question is involved in the decision which ought to be reviewed by the
927 court having jurisdiction and the judge so certifies.

928 Sec. 27. (NEW) (*Effective October 1, 2002*) (a) For the purposes of this
929 section, "weapon" means any air rifle, BB. gun, blackjack, metal
930 knuckles, gravity knife, dirk knife, knife having an automatic spring
931 release device by which a blade of over one and one-half inches in
932 length is released from the handle, stiletto, any knife the edged portion
933 of the blade of which is four inches or over in length, martial arts
934 weapon or electronic defense weapon, as those terms are defined in
935 section 53a-3 of the general statutes, as amended, bow and arrow, cross
936 bow, ax, incendiary or explosive device, or any other dangerous
937 instrument or deadly weapon as those terms are defined in section
938 53a-3 of the general statutes, as amended.

939 (b) A person is guilty of carrying a weapon into a Judicial Branch
940 building when such person, including a person having a permit to
941 carry a weapon, alone or in concert with others, carries a weapon into
942 any building or portion of a building occupied primarily by the
943 Judicial Branch, or has a weapon in such person's control within such
944 building or portion of a building, except as authorized by the judges of
945 the Superior Court.

946 (c) Carrying a weapon into a Judicial Branch building is a class D
947 felony.

948 (d) The judges of the superior court may prohibit a person from
949 bringing into any courthouse, or having in such person's control
950 within such courthouse, any other item such judges deem to be

951 dangerous or disruptive.

952 (e) A peace officer, as defined in subdivision (9) of section 53a-3 of
 953 the general statutes, in the enforcement of subsections (b) and (c) of
 954 this section, may seize weapons and items deemed dangerous or
 955 disruptive. Any such weapon or item which is not seized in connection
 956 with an arrest that remains unclaimed thirty days after its seizure shall
 957 be destroyed by order of the examiner of seized property, provided (1)
 958 if such weapon or item is a valuable prize, the examiner of seized
 959 property shall order that it be disposed of by public auction or private
 960 sale, in which case the proceeds shall become the property of the state
 961 and shall be deposited in the General Fund, and (2) if such weapon or
 962 item is a firearm, unless sold as a valuable prize, it shall be transferred
 963 to the State Police Bureau of Identification within the Department of
 964 Public Safety for disposition consistent with the provisions of section
 965 54-36c of the general statutes.

966 Sec. 28. (NEW) (*Effective July 1, 2003*) (a) No person may engage in
 967 the business of furnishing bail in criminal cases as a bail bondsman
 968 unless such person is licensed as a professional bondsman under
 969 chapter 533 of the general statutes or as a surety bail bond agent under
 970 chapter 700f of the general statutes and is registered with the Judicial
 971 Branch.

972 (b) The Judicial Branch shall adopt policies and procedures for the
 973 registration of bail bondsmen and the conduct of the business of bail
 974 bondsmen including, but not limited to, application procedures,
 975 eligibility requirements, minimum and maximum commissions or fees
 976 that may be charged by bail bondsmen, guidelines for the solicitation
 977 and negotiation of bail bonds, procedures for the enforcement of bail
 978 bonds and grounds for the suspension or revocation of registrations.

This act shall take effect as follows:	
Section 1	<i>January 1, 2003</i>
Sec. 2	<i>January 1, 2003</i>

Sec. 3	<i>January 1, 2003</i>
Sec. 4	<i>January 1, 2003</i>
Sec. 5	<i>January 1, 2003</i>
Sec. 6	<i>January 1, 2003</i>
Sec. 7	<i>January 1, 2003</i>
Sec. 8	<i>January 1, 2003</i>
Sec. 9	<i>October 1, 2002</i>
Sec. 10	<i>October 1, 2002</i>
Sec. 11	<i>October 1, 2002</i>
Sec. 12	<i>October 1, 2002</i>
Sec. 13	<i>October 1, 2002</i>
Sec. 14	<i>October 1, 2002</i>
Sec. 15	<i>from passage</i>
Sec. 16	<i>October 1, 2002</i>
Sec. 17	<i>October 1, 2002</i>
Sec. 18	<i>October 1, 2002</i>
Sec. 19	<i>October 1, 2002</i>
Sec. 20	<i>October 1, 2002</i>
Sec. 21	<i>October 1, 2002</i>
Sec. 22	<i>October 1, 2002</i>
Sec. 23	<i>from passage</i>
Sec. 24	<i>from passage</i>
Sec. 25	<i>from passage</i>
Sec. 26	<i>October 1, 2002</i>
Sec. 27	<i>October 1, 2002</i>
Sec. 28	<i>July 1, 2003</i>

Statement of Purpose:

To create a statutory framework for the registry of protective orders developed by the Judicial Branch; to provide that an appeal of a State Marshal Commission decision regarding appointment be filed in New Britain, rather than in Hartford; to amend the venue statutes to complete the regionalization of small claims and motor vehicle matters; to allow for mediation of appeals of inlands/wetlands decisions; to provide further guidance regarding Judicial Branch employees access to Judicial Branch records; to provide for procedures for condemnation cases heard by a judge; to amend the statute regarding the rules for small claims proceedings; to allow alternate jurors to be called back after deliberations have begun in civil trials, as they currently can be in criminal trials; to clarify that the additional

five dollar fee to be paid when a case is filed need not be paid by state entities; to provide that certification of an appeal of a habeas case must be considered by the judge who heard the case; to enhance courthouse security by making it a felony to carry a weapon into a Judicial Branch building; and to allow the Judicial Department to regulate the conduct of business by bail bondsmen.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]